



**OFFICE OF GOVERNOR TIM WALZ AND LIEUTENANT GOVERNOR PEGGY FLANAGAN**

**Appendix B: Final Form\***

\*Before you submit, delete all bracketed instructions and answer all of the questions. Information in this Form is confidential.

**Has this form changed since the Preliminary Form (A) was submitted?**  Yes  No

**Has the attached bill language changed since the Preliminary Form (A) was uploaded?**  Yes  No

**Date Submitted:** September 17, 2019

**Today's Date:** October 15, 2019

**Tracking #s**

Agency Tracking #: 1810

Revisor's #:

**Agency:** Minnesota Department of Education

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**Type:**

- Technical/Housekeeping
- Policy
- Placeholder
- Fiscal

While Minnesota consistently ranks as a top state to live and work, this is not true for everyone, and these inequities threaten our long-term competitiveness as a state. To ensure Minnesota is a top place to live, our government – policy and budget – needs to focus on preparing the next generation of Minnesotans to work and lead in a rapidly changing world. This means we need a government centered around our children, so that regardless of race or zip code, Minnesota is the best place in the nation to raise your children – for everyone. Policies submitted for inclusion in the Governor and Lt. Governor's agenda should help us achieve this vision.

**Title:** Postsecondary Enrollment Options (PSEO) – Non-discriminatory enrollment policy

**Changes from Preliminary Proposal:**

- What, if any, changes have been made to the initial proposal? This can be a general list; you will go into more detail in subsequent questions. N/A
- Include updated bill language with this form if changes have been made to the initial proposal.

**Description and Background of the Proposal:**

Minn. Stat. § 124D.09 allows high school students to simultaneously earn high school and college credit through enrollment in and successful completion of college-level courses on a college campus or online. This is referred to as Postsecondary Enrollment Options (PSEO) and is a very popular enrollment choice for Minnesota public, nonpublic and home school students.

The PSEO statute defines eligibility for high school students to participate in this publicly-funded program, but postsecondary institutions define admissions requirements for students to ultimately enroll in PSEO courses. Eligible institutions are defined in Subdivision 3 as a “Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by the North Central Association of Colleges and Schools, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota.” Further, students are only allowed to access nonsectarian courses for PSEO. Private postsecondary institutions are required to annually sign assurances that they will not enroll PSEO students in nonsectarian courses.

The problem is that admissions procedures by some private postsecondary institutions are discriminatory in nature by requiring that a high school student must provide a faith statement prior to *enrollment approval*. For example, if the student is applying to a Christian institution, the student’s faith statement is used to determine whether or not they are accepted and able to enroll in PSEO courses. If the student’s faith statement does not match the mission of the college, the student cannot enroll in nonsectarian courses at that institution. In its current state, Minn. Stat. § 124D.09 does not address these discriminatory practices explicitly.

Several families have called the Minnesota Department of Education (MDE) to inquire or complain about the requirement of a faith statement on some college applications since they are high school students who intend to enroll in nonsectarian courses funded by state aid. The courses taken through PSEO must fulfill a graduation requirement at the high school. These courses are paid by MDE using general education revenue and must not include any course that is sectarian in nature. Since the majority of private postsecondary institutions who require faith statements are Christian-based institutions, groups impacted by this policy item would be any group or individual that does not practice Christianity or anyone who objects to submitting a faith based statement.

The intended results are to equalize access to Minnesota students who would like to enroll in PSEO courses at the institution of their choice. Participation in a publicly-funded program should not discriminate against students on the basis of gender, sexual orientation, sexual identity, religion, or ethnicity.

## **124D.09 POSTSECONDARY ENROLLMENT OPTIONS ACT.**

***Subd. 3. Definitions.*** For purposes of this section, the following terms have the meanings given to them.

- (a) "Eligible institution" means a Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by an accreditor recognized by the United States Department of Education, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota. An eligible institution cannot require or base

any part of the admission decision on a student's race, creed, ethnicity, disability, gender, or sexual orientation or religious beliefs or affiliations.

**Impact to Your Agency:**

This proposal is consistent with current state efforts to increase and diversify secondary experiences for students. The Education Commissioner supports this proposal as it eliminates discriminatory practices. Public fund PSEO participation and expenditure not disallowed for reasons of faith origin.

- Has the response to this section changed after revisions to the Preliminary Form?

Yes (if yes, explain here)

No

**Impact to Other Agency/Agencies:**

This proposal does not affect other agencies, although it aligns with the work of the Office of Higher Education, who supports this proposal.

Has the response to this section changed after revisions to the Preliminary Form?

Yes (if yes, explain here)

No

**Was this Proposal Identified as a Priority During Tribal Consultation Pursuant to Executive Order 19-24?**

Yes

No

If you answered no on the Preliminary Form (A) but indicated that this proposal affects Tribal Nations, provide an update on work with Tribal Nations.

This proposal does not directly impact the Tribal Nations.

**Impact on Children and Families:**

This proposal allows high school students to not be discriminated against on the basis of gender, sexual orientation, sexual identity, religion, or ethnicity. As a result, access to PSEO will become more equitable. Families have been engaged in voicing concern to change this current discriminatory practice which is occurring at some private postsecondary institutions in Minnesota that have large numbers of students participating in PSEO.

Has the response to this section changed after revisions to the Preliminary Form?

Yes (if yes, explain here)

No

**Equity and Inclusion:**

Yes, this change is proposed to reduce inequities for minority groups, people with disabilities, and people in the LGBTQ community. This proposal allows high school students to not be discriminated against on the basis of gender, sexual orientation, sexual identity, religion, or ethnicity.

What additional outreach and stakeholder engagement focused on equity and inclusion have you done since submitting the Preliminary Form? Commissioner Ricker will be hosting a roundtable with education associations to discuss this and other "Safe and Welcoming Schools" proposals in November.

**Stakeholder Engagement:**

- How will you consult and collaborate with stakeholders from historically disenfranchised groups to address these impacts? Which stakeholders have been or will be consulted in the process to create this proposal? *The policy information will be posted on our website, and sent to stakeholder groups involved in PSEO.*
- Which stakeholders are supportive of this proposal? Which stakeholders oppose it? We believe this would be supported by a majority of our constituents. *It will be opposed by some private colleges.*
- What continued outreach will you be doing to address concerns and communicate with stakeholders? *We would be able to let families know that the state is assuring that any institution that accepts public dollars will not discriminate against any students on the basis of race, creed, sexual orientation.*
- How do you plan to involve and form partnerships with communities of color, the LGBTQ community, the American Indian community, the disability community, and the veteran's community? *Communication will occur in various forms and stakeholder groups.*
- What stakeholder engagement is still ongoing? How do you plan to continue these conversations to ensure that you are addressing all perspectives? Commissioner Ricker will be hosting a roundtable with education associations to discuss this and other "Safe and Welcoming Schools" proposals in November.
- Moving forward, how will stakeholders continue to be included in your work on this policy proposal? See above.

**Legislator Engagement:**

\*Before you reach out to legislators, coordinate first with your Policy Advisor.

- What is the status of any contact that you have made with legislators regarding this proposal? MDE will discuss this proposal with Sen. Nelson, Sen. Clausen, Rep. Davnie and Rep. Youakim.
  - Who are the preferred bill authors in the House and Senate? Youakim/Nelson
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Commissioner's Signature

Date of Approval

[Print the completed Form for your Commissioner's signature. All Forms must be approved by your Commissioner or the Commissioner's designee. Any unsigned Form will not be processed.]

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**Policy Advisor's Signature**

[To be completed by Governor's Office.]

**Date of Approval**